



1133 Avenue of the Americas
Suite 1500
New York, New York 10036

(212) 316-9500
rkaplan@kaplanmartin.com

April 8, 2025

BY CM/ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Metro. Transp. Auth., et al. v. Duffy, et al., No. 25 Civ. 1413 (LJL)

Dear Judge Liman:

We write on behalf of Plaintiffs the Metropolitan Transportation Authority and the Triborough Bridge and Tunnel Authority (collectively, the “MTA Plaintiffs”) to notify the Court of a statement posted earlier today by Defendant United States Department of Transportation (“USDOT”) that bears on the issues to be discussed at tomorrow’s conference, specifically the potential need for expedited injunctive relief.

As the Court is aware, last Friday, April 4, the parties filed a joint letter in response to the Court’s March 28 order directing us to confer and submit “proposals as to how the Court should manage these cases.” ECF 42. As we explained in our joint letter, the parties agree that this case should be resolved on cross-motions for summary judgment following production of the administrative record and possibly additional discovery. ECF 49 at 1-2. However, the MTA Plaintiffs expressed concern that the Federal Defendants might seek to unilaterally alter the status quo during the pendency of the litigation given their threats to withhold undefined funding if the MTA Plaintiffs do not comply with their April 20 “deadline” to end Congestion Pricing. *Id.* at 3-4. We further noted that, when pressed during the parties’ meet and confer, counsel for the Federal Defendants “did not have information to provide” regarding the timing or likelihood of any such actions by their clients, *id.* at 4, and so it could be necessary for the MTA Plaintiffs to seek emergency injunctive relief “to assert their rights should the Federal Government improperly withhold funds or otherwise illegally retaliate against them for commencing this litigation,” *id.*

Earlier today, apparently in response to press reports concerning the parties' April 4 letter to the Court, USDOT issued a post on the social media platform X in which it not only asserted that "simple agreements on judicial timelines have no bearing on the underlying merits of our case or our position," but further promised that "the Trump Administration and USDOT will not hesitate to use every tool at our disposal in response to non-compliance" and "will continue to fight tooth and nail" against the Program. @USDOTRapid, X.com (Apr. 8, 2025) (attached hereto as **Attachment 1**). While the Federal Defendants have not yet made us aware of what "tools" they plan to use in order to enforce their April 20 deadline, we note that in other instances, the new Administration has resorted to withholding federal funding to force compliance with contested policies. *See* ECF 49 at 3 n.4 (collecting examples).

Simply put, the attached social media statement by USDOT appears to disregard the whole point of asking the parties to agree on a comprehensive schedule in order to minimize the burden on the parties and the Court. The MTA Plaintiffs have been clear from the beginning that they will "continue to operate the Program as required by New York law until and unless Plaintiffs are directed to stop by a court order." ECF 1, ¶ 120. If the Federal Defendants plan to take unilateral action to alter the status quo, then they should be required to let us know what they intend to do and when they intend to do it so that the parties and the Court can set an appropriate briefing schedule. In our view, in the event that an application for injunctive relief proves to be necessary, any failure by the Federal Defendants to provide timely notice can and should be taken into account in assessing irreparable harm and the balance of equities.

Respectfully submitted,




Roberta A. Kaplan

cc: Counsel of Record (via ECF)

ATTACHMENT 1

← Post



USDOT Rapid Response  
@USDOTRapid



This is a complete lie by the elitist New York liberal media, whose rich buddies love the idea of pricing poor people out of the city.

The truth is simple agreements on judicial timelines have no bearing on the underlying merits of our case or our position.

Here are the facts:

1. @USDOT's position remains that New York's elitest cordon pricing scheme is illegal, a form of class warfare that targets working Americans, and unfair to the driving public whose tax dollars have already paid for these roads.
2. USDOT's deadline for stopping toll collection has not changed. Make no mistake – the Trump Administration and USDOT will not hesitate to use every tool at our disposal in response to non-compliance later this month.
3. USDOT will continue to fight tooth and nail against this unlawful tax on hardworking Americans.

Don't buy the MTA's spin, who are desperate to manufacture fake news to distract from the fact that their riders are getting assaulted regularly.

 **CBS New York**  @CBSNewYork · 18h

#Breaking: The MTA and the Trump administration have reached an agreement that will keep NYC congestion pricing in place through October.
cbsloc.al/3R6u3Gg

5:23 PM · Apr 8, 2025 · **7,818** Views



6



26



26



5



Read 6 replies